

**REMARKS****Summary of the Office Action**

Claims 19, 27, 28, 36, 44 and 45 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,724,703.

Claims 27-35 and 44-52 stand rejected under U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 19, 24-28, 33-36, 41-45 and 50-52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Okada (U.S. Patent No. 5,810,600) (hereinafter "Okada").

Claims 20-23 and 37-40, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

Claims 29-32 and 46-49 would be allowable if rewritten in independent form and to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph paragraph.

Claims 20-23, 29-32, 37-40 and 46-49 are allowable.

**Summary of the Response to the Office Action**

A Terminal Disclaimer is concurrently submitted herewith. Also, Applicants have amended claims 19, 27, 36 and 44 and added new claims 53-56, to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. Claims 1-18, 22, 31, 39 and 48 have been canceled without prejudice or disclaimer. Accordingly, claims 19-21, 23-30, 32-38, 40-47 and 49-56 remain pending for consideration.

**Double Patenting Rejection**

Claims 19, 27, 28, 36, 44 and 45 stand rejected on the ground of nonstatutory obviousness- type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,724,703. While Applicants do not necessarily concede to this rejection, Applicants submit a Terminal Disclaimer to facilitate allowance of the present application thereby obviating the double patenting rejections. Accordingly, Applicants request that the double patenting rejection be withdrawn.

**Newly-Added Claims**

Applicants have added new dependent claims 53-56 to differently describe embodiments of the disclosure of the instant application's specification. These new claims are in condition for allowance at least because of their dependence from independent claims 19, 27 and 36, and the reasons set forth herein.

**Rejection under 35 U.S.C. § 112, Second Paragraph**

Claims 27-35 and 44-52 stand rejected under U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Examiner asserts that in claims 27 and 44, "it is unclear from the claim as to how the recorded information is edited without being reading out from the recording medium; there is no source or device provided in the claim to perform the editing function; and it is also unclear from the claims where control information generated by generating device goes or why control information is generated since it has never been used later in the claim."

Applicants have amended claims 27 and 44 with the Examiner's comments in mind.

More particularly, Applicants have amended these claims to clarify that the recording information is recorded from the information recording medium and is recorded on the information recording medium. Therefore, Applicants respectfully submit that the remaining claims, as newly-amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

**Rejection under 35 U.S.C. § 102(b)**

Claims 19, 24-28, 33-36, 41-45 and 50-52 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Okada. Applicants have amended claims 19, 27, 36 and 44 to differently describe embodiments of the disclosure of the instant application's specification. More particularly, Applicants have added the features of objected-to dependent claims 22, 31, 39, and 48 to independent claims 19, 27, 36, and 44, respectively. Thus, since the Examiner has indicated that such features constitute allowable subject matter, Applicants respectfully submit that the rejected claims are now in condition for allowance and respectfully request reconsideration and withdrawal of the rejections that have been applied to these claims.

The Examiner is thanked for the indication that claims 20-23, 29-32, 37-40 and 46-49 are directed to allowable subject matter.

**CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request the timely allowance of this application. Should the Examiner feel that there are any issues outstanding after

consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

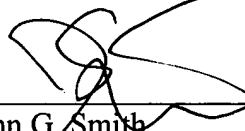
**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: October 20, 2006

By:

  
\_\_\_\_\_  
John G. Smith  
Reg. No. 33,818

**Customer No. 055694**  
**DRINKER BIDDLE & REATH LLP**  
1500 K Street, N.W., Suite 1100  
Washington, DC 20005-1209  
Tel.: (202) 842-8800  
Fax: (202) 842-8465